

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

SECURITIES AND EXCHANGE
COMMISSION,

Plaintiff,

v.

RICHARD XIA, a/k/a YI XIA, and
FLEET NEW YORK METROPOLITAN
REGIONAL CENTER, LLC, f/k/a FEDERAL
NEW YORK METROPOLITAN REGIONAL
CENTER, LLC,

Defendants,

and

JULIA YUE, a/k/a JIQING YUE.

Relief Defendant.

21 Civ. 5350-PKC-CLP

**DECLARATION OF HERVÉ
GOURAIGE**

I, Hervé Gouraige, pursuant to 28 U.S.C. § 1746, declares as follows:

1. I am a member of the Bar of the State of New York.
2. I am a Member at Sills Cummis & Gross P.C.
3. I am counsel for defendants Richard Xia, Fleet New York Metropolitan Regional Center, LLC, and relief defendant Julia Yue in the above-captioned matter. I make this Declaration in support of Defendants' response to the Court's Order to Show Cause and Temporary Restraining Order Freezing Assets, Appointing a Monitor and Granting Other Relief issued on September 27, 2021.
4. I am familiar with the facts and circumstances herein. I make this Declaration based upon (i) my personal knowledge, (ii) information and documents obtained by Defendants during discovery, and (iii) certain other documents that are described herein. Attached to my Declaration are true and correct copies of the following documents:

Exhibit No.	Description	Date
1	Expert Report by Paul M Ribaudo	Jan. 31, 2020
2	David Stoelting's Email to Defendants' Prior Counsel Mukasey Frenchman LLP	Oct. 22, 2021
3	Appraisal Report by Goodman-Marks Associates, Inc.	Aug. 25, 2021
4	Appraisal Report by BBG, Inc.	Oct. 23, 2019
5	Uniform Assets-Freezing Orders Act	
6	Confidential Private Offering Memorandum for EMMCO, L.P. ("EMMCO OM")	Apr. 17, 2020
7	Confidential Private Offering Memorandum for EMMCO TOWER, L.P. ("EMMCO TOWER OM")	Jan. 31, 2011
8	Confidential Private Offering Memorandum for EMMCO NQMC, L.P. ("EMMCO NQMC")	Jan. 31, 2011
9	Confidential Private Offering Memorandum for EEGH, L.P. ("EEGH OM")	Dec. 2013
10	Confidential Private Offering Memorandum for EEGH II, L.P. ("EEGH II OM")	Sept. 2015
11	Bond Approval by the Mayor of The City of New York	July 14, 2010
12	Fleet's Letter to NYCCRC to Preserve Bond Allocation	Dec. 6, 2010
13	Letter of Intent from Cathay Bank	Sept. 15, 2011
14	Letter of Intent from East West Bank	Mar. 9, 2011
15	Mortgage Record for 57-35 Lawrence Street ("57-35 First Mortgage")	Nov. 4, 2010
16	Proceeds from 57-35 Lawrence Street Mortgage ("57-35 First Mortgage Proceeds")	Nov. 4, 2010
17	Money Transfers from 57-35 Lawrence Street Mortgage ("57-35 Bank Records")	Nov. 2010
18	Email from CBO Financial on NMTC	Feb. 26, 2014
19	CDE Certification from CDFI Fund	Oct. 14, 2014
20	Emails Between Richard Xia and Sunil Aggarwal	Jan. 2015
21	Letter of Intent from Edward Chan	Dec. 23, 2013
22	Franchise Proposal from Westin	Oct. 14, 2010
23	Emails Showing Richard Xia Retained Legal Counsel for the Westin Deal	Oct. and Nov. 2010
24	Emails Showing Richard Xia Retained Hotel Consultant for the Westin Deal	Nov. 2010 to Apr. 2011
25	Emails Showing Starwood (holder of the hotel brand of Westin) Agreed to Conflict Waiver on the Westin Deal with Fleet	Nov. 11, 2010
26	Defendants' Plan/Work Application for the Eastern Emerald Project	July 16, 2014
27	The Expert Report by Metropolis Group, Inc.	June 18, 2020
28	Robert White's Email to Richard Xia and the Email's Attachment Showing Robert White's Experience	Nov. 16, 2012
29	Anastasios Christoforidis's Deposition Taken for First Baptist Church of Flushing v. X&Y Development Group, LLC et al., Index Number 710001/2015, (Supreme Court, Queens County)	June 9, 2021
30	Emails showing Defendant Sent to Investors' K-1 Forms for the Year 2019	2020
31	Emails showing Defendant Sent to Investors' K-1 Forms for the Year 2020	2021
32	Amended Transcript of Richard Xia's Deposition by the SEC	May 30, 2019

33	Cost Summary of the Eastern Mirage Project	
34	Confidential Financing Memorandum Prepared by Cushman & Wakefield plc on the Eastern Mirage Project	
35	Richard Xia's Personal Capital Contributions to the Eastern Mirage Project	May 2021
36	Richard Xia's Personal Capital Contributions to the Eastern Emerald Project	May 2021
37	Appraisal Report by Cushman & Wakefield plc on the Eastern Mirage Project	July 9, 2019
38	Appraisal Report by Cushman & Wakefield plc on the Eastern Emerald Project	July 12, 2019
39	Appraisal Report by Joseph J. Blake and Associates, Inc.	Sept. 27, 2021
40	Report by James Cohen Consulting on the Water Leakage Problem with the Eastern Emerald Project	Jan. 31, 2019
41	Outstanding Invoices to Defendants for legal fees owed to Sullivan & Cromwell LLP	July to Dec. 2021
42	Outstanding Invoices to Defendants for legal fees owed to Kelley Drye & Warren LLP	Jan. 6, 2022
43	Outstanding Invoices to Defendants for legal fees owed to Mukasey Frenchman LLP	Sept. to Oct. 2021
44	Outstanding Invoices to Defendants for legal fees owed to Hodgson Russ LLP	July to Oct. 2021
45	Outstanding Invoices to Defendants for legal fees owed to Bret L. McCabe	Oct. to Dec. 2021

5. Defendants owe legal fees to the following legal counsel: (1) Sullivan & Cromwell LLP (Ex. 41); (2) Kelley Drye & Warren LLP (Ex. 42); (3) Mukasey Frenchman LLP (Ex. 43); (4) Hodgson Russ LLP (Ex. 44); and (5) Bret L. McCabe (Ex. 45).

Date: January 7, 2022
New York, New York

By: /s/ Hervé Gouraige
Hervé Gouraige